



Department of Purchasing & Contract Compliance

Felicia Strong-Whitaker, CPPO
Director

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October 30, 2017

Via Email [REDACTED] and Certified Mail

Mr. Patrick Cummisky
President
Correct Care Solutions
1283 Murfreesboro Road
Suite 500
Nashville, TN 37217

RE: NOTICE OF SUSPENSION OF WORK AND INTENT TO TERMINATE FOR
FAILURE TO CURE DEFAULTS
PROJECT: 17RFP07012016B-BR, INMATE MEDICAL SERVICES

This letter shall serve as formal notice of the County's decision to terminate contract 17RFP07012016B-BR, Inmate Medical Services ("the Agreement"), with your firm Correct Care Solutions in Joint Venture with Morehouse School of Medicine ("CCS/MSM") to provide physical and mental health services for inmates at the Fulton County Jail for cause. This decision is pursuant to Article 14, Termination of Agreement for Cause, of the Agreement.

As you know, on August 24, 2017, the County served a formal Notice of Default and Request to Cure on CCS/MSM, which gave notice to CCS/MSM of material defaults and failures to perform in accordance with the Agreement. CCS/MSM was given thirty (30) days to cure these defaults and provide the County with a plan to ensure that said deficiencies and defaults did not re-occur.

CCS/MSM provided a response on September 14, 2017. The response was not adequate as it failed to state any measures that had been taken to cure the deficiencies in performance and failed to set forth a corrective plan to protect against re-occurrence of the deficiencies. Despite this failure to cure the noted deficiencies, I, in my role as Purchasing Director, met with representatives of your firm on September 27, 2017 to discuss the County's dissatisfaction with your failure to cure the deficiencies and provided your firm until October 4, 2017 with additional time to cure the deficiencies and defaults and provide a detailed corrective plan. Following that meeting, CCS/MHM provided a response that again failed to cure the alleged deficiencies and provide reassurances that the deficiencies had been addressed.

Specifically, the noted uncured deficiencies include:

- 1) Failure to meet minimum staffing levels of 166.30 FTEs pursuant to Section G, Item 21(a) and Schedule 1: Minimum Staffing Levels of Service provider of the contractual agreement.

CCS/MSM has not been able to adequately staff the Fulton County Jail since the inception of the Agreement. As a result, CCS/MSM has been pulling staff from other facilities that have not been adequately trained to follow protocols put in place by CCS/MSM at the Fulton County Jail. When a recent internal audit was conducted, it revealed that staff pulled from alternative CCS-contracted facilities failed to follow the detox protocol as a result of inadequate training. Further, the Fulton County Jail continues to have weekends without provider coverage, placing both the inmates and the Fulton County Sheriff's Office at risk. If the facility was faced with an emergency, it would be inadequately covered.

- 2) Failure to provide a Discharge Assessment Tool as required pursuant to Article 44.4 and Article 48, Re-Entry/Discharge Planning Performance Measures of the contract.

CCS/MSM continues to work on the discharge tool to place inmates within the community. As of Thursday, October 19, 2017, the Morehouse Discharge Planner reported to personnel in the Fulton County Sheriff's Office that CCS/MSM has not been successful in making any placements in the community since the inception of the Agreement. For instance, an inmate remained in the Fulton County Jail for 219 days and was hospitalized on four separate occasions before an alternative placement was located by the Fulton County Public Defender's Office. The Morehouse Discharge Planner should have been working with the hospital social worker to locate an appropriate placement for the inmate, who incurred a bill for medications alone for over \$30,000 when the surety bond that would have secured his release was only \$500.00.

- 3) Incomplete implementation of the Electronic Health Record ("EHR") System. Pursuant to 45.2(b), Service provider is required to provide the following systems: telemedicine, electronic medical records system and an electronic medication administration record system.

One recent example best exemplifies the issues that continue to plague ERMA, CCS/MSM's Electronic Health Record System. A photograph of a white male was uploaded into the medical record of a black male inmate. When the CCS nurse went to the housing unit, she requested to see John Doe inmate, and Fulton County Jail personnel brought the black male (the actual John Doe) to medical. The nurse stated he was the wrong individual and showed security the photo from ERMA, which was of the white male. This error could have resulted in a fatal event if the wrong medication had been administered to the wrong inmate.

Mr. Patrick Cummisky
October 30, 2017
Page 3

- 4) Internal Audits conducted pursuant to Article 44.2 by the Director of Medical Services revealed 178 unsigned medical orders as of today's date (10/30/17) in the ERMA System. This indicates continued inadequate supervision on behalf of CCS supervisory staff.

In addition to the above uncured deficiencies, I would also note that CCS's Policies and Procedures Manual was requested from the inception of the Agreement but was not received until well after six months of the Agreement's commencement. And most seriously, the Fulton County Sheriff's Office has reported five deaths at the Fulton County Jail in the last seventy-five days, with the sole link amongst all five inmates being that they all were being medically treated by CCS/MSM.

As a consequence of the above, termination of the Agreement will be placed on the November 15, 2017 Board of Commissioner's meeting agenda. If approved, the termination will be effective at 11:59 pm on December 31, 2017.

Sincerely,



Felicia Strong-Whitaker

cc: Theodore Jackson, Fulton County Sheriff
Colonel Leighton Graham, Chief of Administration
Cheryl Ringer, Senior Assistant County Attorney
Ashley Palmer, Senior Assistant County Attorney
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